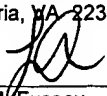


16805 U.S. PTO  
022704

| CERTIFICATE OF EXPRESS MAILING   |                   |
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| NUMBER   | EV 336 531 009 US |
| DATE OF DEPOSIT  | February 27, 2004 |
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| <br>Shelley P.M. Fussey   |                   |

17510 U.S. PTO  
10/788920  
022704

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Dkt. No.: **4020.000283**

Prior Serial No.: **09/879,368**

**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Prior Application Examiner: **Kishore, G.**

Prior Group Art Unit: **1615**

**REQUEST FOR FILING DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior Application Serial No. 09/879,368 ("the '368 application"), filed June 11, 2001, entitled "Amphiphilic Materials and Liposome Formulations Thereof". The '368 application is a divisional of Application Serial No. 08/912,978 ("the '978 application"), filed August 13, 1997, entitled "Amphiphilic Materials and Liposome Formulations Thereof."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/879,368 as originally filed. The true copy includes the Request for Filing a Divisional Application, Preliminary Amendment and Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) filed in the '368 application. As the '368 application is a divisional, the specification, claims, drawings and declaration is a copy of those filed in the grandparent, '978 application. The declaration was properly submitted

after filing the '978 application. The undersigned hereby verifies that the attached papers are a true copy of the prior applications as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

- (a) ☒ The inventorship is the same as prior Application Serial No. 09/879,368 and prior Application Serial No. 08/912,978.
- (b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

- ☒ 2. Enclosed is a check in the amount of \$721.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 8 below.

**CLAIMS AS FILED IN THE PRIOR  
APPLICATION LESS CLAIMS CANCELED BELOW**

| FOR                               | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE      | FEE              |
|-----------------------------------|-----------------|-----------------|-----------|------------------|
| Basic Fee -----                   |                 |                 |           | \$ 385.00        |
| Total Claims                      | 43 - 20 =       | 23              | \$ 9.00 = | \$ 207.00        |
| Independent<br>Claims             | 6 - 3 =         | 3               | \$43.00 = | \$ 129.00        |
| Multiple Dependent Claim(s) ----- |                 |                 |           | \$ 0.00          |
| <b>TOTAL FILING FEES:</b>         |                 |                 |           | <b>\$ 721.00</b> |

- ☒ 3. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional applications and such status is still proper and desired (copy enclosed).
- ☐ (c) Small entity status is no longer claimed.
- ☒ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4020.000283.
- ☒ 5. Enclosed are copies of the original and current Power of Attorney documents (two) in the prior application.
- ☒ 6. Address all future communications to:
- Shelley P.M. Fussey, Ph.D.  
WILLIAMS, MORGAN & AMERSON, P.C.  
Customer No. 23720  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
(713) 934-7000
- ☒ 7. The prior applications are presently assigned to Nutrimed Biotech (copy of the Assignment attached).
- ☒ 8. Enclosed is a Preliminary Amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after cancellation of claims and after amendment of claims by the preliminary amendment.

- ☒ 9. Cancel in this application claims 1-52 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☐ 10. Amend the specification by inserting before the first line the sentence: : --This is a divisional of co-pending application Serial No. \_\_\_\_\_ filed \_\_\_\_\_--.
- ☒ 11. Enclosed are formal drawings (FIG. 1 through FIG. 10 on 10 sheets).
- ☒ 12. The present paper constitutes Applicant's compliance with the duty of disclosure under 37 C.F.R. §1.56. Please make all prior art of record in parent application Serial No. 09/879,368 of record in this case, including that cited by the Office and Applicant. As a courtesy, the following is enclosed:
- ☒ (a) Copies of PTO-1449s from prior application (A1-A8, B1 and C1-C66).
- ☐ (b) Copies of IDS citations.
- ☒ 13. Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i).
- ☒ 14. Return Receipt Postcard.

Respectfully submitted,  
Williams, Morgan & Amerson, P.C.  
Customer No. 23720



Shelley P.M. Fussey, Ph.D.  
Agent for Applicant

10333 Richmond, Suite 1100  
Houston, Texas, 77042  
(713) 934-4079

Date: February 27, 2004

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor: Rajindra Aneja  
Serial No. Unknown  
Filed: February 27, 2004  
Title: Amphiphilic Materials and Liposome  
Formulations Thereof

I hereby certify that the invention disclosed in the above-referenced matter **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 27, 2004

Date

  
\_\_\_\_\_  
Signature

Shelley P.M. Fussey, Reg. No. 39,458

Typed or printed name

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.


If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**CERTIFICATE OF EXPRESS MAILING**

NUMBER EV 336 531 009 US

DATE OF DEPOSIT February 27, 2004

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\_\_\_\_\_  
Shelley P.M. Fussey

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

|                      |  |
|----------------------|--|
| First Named Inventor | Rajindra Aneja                           |
| Title                | Amphiphilic Materials and Liposome . . . |
| Atty Docket Number   | 4020.000282                              |

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

**COPY**June 11, 2001

Date



Signature

Shelley P.M. Fussey; Reg. No. 39,458


Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

|  |                   |
|--|-------------------|
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| <br>Shelley P.M. Fussey   |                   |

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Rajindra Aneja

Serial No.: Unknown

Filed: February 26, 2004

For: AMPHIPHILIC MATERIALS AND  
LIPOSOME FORMULATIONS THEREOF

Group Art Unit: 1615

Examiner: Kishore, G.

Atty. Dkt. No.: 4020.000283

**SUBMISSION OF FORMAL DRAWINGS**

**ATTN: OFFICIAL DRAFTSMAN**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant hereby submits the formal drawings for the above-referenced application  
(Figures 1-10 on 10 sheets) and requests that these drawings be accepted for filing.

Respectfully submitted,



Shelley P.M. Fussey, Ph.D.

Reg. No. 39,458

Agent for Applicant

**WILLIAMS, MORGAN & AMERSON**

10333 Richmond, Suite 1100

Houston, Texas 77042

/713) 934-7000

Date: February 27, 2004